

Remarks

By this Amendment, claims 13, 14, 16, 18, 19, 21-23, 25, 26, 28, 30, and 31 are amended, claims 17, 20, 24, 27, and 29 are cancelled, and claims 33-35 are added. Reconsideration and further examination of the application are respectfully requested in view of the above amendments and the following remarks.

In item 4 on page 2 of the Office Action, claims 13-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park (U.S. Patent 6,422,833) in view of Suzuki (U.S. Patent 3,664,771), and further in view of Gallmeyer (U.S. Patent 5,660,256). This rejection is traversed and believed clearly inapplicable to claims 13-32 as amended.

Independent claim 13 recites, among other features, a cup-shaped stopper having a curved protrusion extending inwardly from an inner peripheral surface of the cup-shaped stopper, the curved protrusion being formed along the inner peripheral surface of the cup-shaped stopper; and a crankshaft having an upper end portion that extends into the cup-shaped stopper, and being spaced from an inner peripheral surface of the cup-shaped stopper with no structure existing between the upper end portion and the inner peripheral surface, such that the upper end portion of the crankshaft is arranged to contact the curved protrusion and the inner peripheral surface upon oscillation of the compressor element. The combination of applied references fails to suggest this feature.

In rejecting claim 13, the Examiner on page 3 of the Office Action, concedes that Park fails to disclose a cup-shaped stopper having a protrusion that extends inwardly from an inner peripheral surface of the cup-shaped stopper. The Examiner asserts that Suzuki remedies this deficiency. In particular, the Examiner asserts that the protector 116 of Suzuki corresponds to the claimed cup-shaped stopper. In this regard, the Examiner asserts that the repulsive means 117 of the protector 116 of Suzuki can be considered to correspond to the claimed protrusion. However, Applicants respectfully disagree with this assertion. Suzuki, at col. 3, line 56 through col. 4, line 3, describes the repulsing means 117 as an inner vertical edge of the protector 116. Based on Figs. 4 and 5 of Suzuki, it is clear that this inner vertical edge (repulsing means 117) is not a curved protrusion that extends inwardly from an inner peripheral surface of the protector

116 and is not formed along the inner peripheral surface of the cup-shaped stopper. For at least this reason, Applicants submit that the reliance on Suzuki for suggesting the claimed protrusion is unreasonable.

In addition, Applicants submit that the reliance on Gallmeyer is unreasonable for the following reasons. First, Gallmeyer is not analogous prior art. MPEP §2141.01(a) provides that to rely on a reference for a rejection under 35 U.S.C. §103(a), the reference must be analogous prior art. MPEP §2141.01(a) further states that the standard for determining whether a reference is analogous art is that the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned (*KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007)). In this regard, Gallmeyer fails to satisfy either of these requirements. Regarding field of endeavor, Applicants note that claim 13 recites a hermetically sealed electrically driven compressor that comprises a compressor element, a cup-shaped stopper, a crankshaft, and a motor element for driving the compressor element. Clearly claim 13 is directed to a compressor. On the other hand, Gallmeyer is directed to a rotary driveshaft used to drive the front wheels of automotive vehicles, not compressors. Regarding pertinence to the problem, the present invention is concerned with preventing the rotation of the crankshaft in order to reduce generation of noise (see, e.g., page 5, lines 1-14 of Applicants' specification). Gallmeyer is not concerned with preventing the rotation of the driveshaft 18. Rather, Gallmeyer is concerned with dampening the undesirable vibrations caused by the rotary driveshaft so that bending or torsional forces within the driveshaft during rotation can be curtailed (see, e.g., col. 1, lines 19-22 and col. 2, lines 28-32). As such, Gallmeyer is not analogous prior art.

Second, Gallmeyer fails to remedy the deficiencies of Park and Suzuki. Applicants note that claim 13 recites a crankshaft having an upper end portion that extends into a cup-shaped stopper, and being spaced from an inner peripheral surface of the cup-shaped stopper with no structure existing between the upper end portion and the inner peripheral surface, such that the upper end portion of the crankshaft is arranged to contact the curved protrusion and the inner peripheral surface upon oscillation of the compressor element. In contrast to claim 13,

Gallmeyer discloses a driveshaft 18 that is always in contact with the inner peripheral surface of the dynamic damper 10. That is, the driveshaft 18 and the inner peripheral surface of the dynamic damper are in contact when the driveshaft is not rotating and when the driveshaft is rotating. In particular, Gallmeyer discloses that the inner peripheral surface of the dynamic damper 10 has a plurality of connecting members 20, each of which are made from an elastomeric compressible material and have a shape which affords a connection between the driveshaft 18 and the connecting members 20 (see, e.g., col. 3, lines 32-33, 47-51, 54-63). The constant state of contact between the driveshaft 18 and the connecting members is further evidenced by the disclosure of Gallmeyer at col. 4, lines 16-31, which describes the interference fit shown in Fig. 1 between the connecting members 20 and the driveshaft 18. Thus, Gallmeyer fails to suggest a crankshaft being spaced from an inner peripheral surface of the cup-shaped stopper with no structure existing between the upper end portion and the inner peripheral surface, such that the upper end portion of the crankshaft is arranged to contact the curved protrusion and the inner peripheral surface upon oscillation of the compressor element.

For at least the above reasons, Applicants submit that the combination of Park, Suzuki, and Gallmeyer would not have suggested all of the features recited in independent claim 13 so as to render obvious claim 13 under 35 U.S.C. § 103(a). Further, by virtue of their dependency from claim 13, claims 14-16, 18, 19, 21-23, 25, 26, 28, and 30-32 would not have been rendered obvious by the combination of applied references.

Claims 33-35 have been added as new claims. By virtue of their dependency from claim 13, new claims 33-35 also would not have been rendered obvious by the combination of applied references. In addition, the applied references the following claimed features. In particular, claim 33 recites that the inner peripheral surface of the cup-shaped stopper is continuous. Contrary to claim 33, the protector 116 of Suzuki is discontinuous (see, e.g., Figs. 4 and 5). Claim 34 recites that the cup-shaped stopper includes only one curved protrusion. Contrary to claim 34, the dynamic damper 10 of Gallmeyer includes a plurality of connecting members 20. Claim 35 recites that the curved protrusion is rigid and does not deform upon contact with said

crankshaft. Contrary to claim 33 the connecting members 20 of Gallmeyer are deformable (see, e.g., col. 4, lines 4-7 and lines 19-22).

Based on the foregoing, Applicants respectfully request allowance of claims 13-16, 18, 19, 21-23, 25, 26, 28, and 30-35.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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